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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,398	07/01/2003	Markus Aholainen	944-004.030	3214

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EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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01/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/612,398

Applicant(s)

AHOLAINEN ET AL.

Examiner

Dai A. Phuong

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


DUC M. NGUYEN
SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2600

ADVISORY ACTION

Response to Argument

Applicant, on page 13 to page 18 of his response, argues that Fukasawa simply no teaching of storing an associated contact, as required by the claims and there is simply no teaching or suggestion of storing a list of bearers for a particular contact, as required by the subject claims. Such a list is illustrated as table 11d in Fig. 1, showing a first contact, having identifier CI-ID, and indicating a list of bearers for the first contact, the first bearer of the list having an identifier CI-BI-ID, and so on.

However, the Examiner disagrees. First, Fukasawa discloses a network/bearer selector (fig. 2, [0093] to [0094]). The network/bearer selector divides in to a bearer capability detection unit 20 (first entity) and an application/ bearer management unit 22 (second entity) (fig. 3, [0093] to [0094]).

The bearer capability detection unit 20 divides into a negotiation unit 36 (third entity) and a configuration update unit 38 (fourth entity) (fig. 4, [0102]); and the application/bearer management unit 22 divides into a memory unit adapted 40 (fifth entity) to store a bearer configuration table and a bearer selection table (sixth entity) (fig. 6, [0110]).

The bearer configuration table comprises information regarding different bearer services, e.g., WRAN, GSM-A, GSM-B, GSM-C, GPAS-A, GPARS-B, and the availability of each such bearer service (fig. 9, [0122]). It should be noted that each bearer services has an address. It is a common knowledge). The bearer configuration table may not only list different bearer services and related availability/non-availability, but also bearer capabilities, e.g., bandwidth, latency, bit error rate BER, reliability, corresponding costs of utilization, etc (fig. 12, [0130]). The

selection table comprises applications, e.g., mail, HTTP, voice, FTP, etc. Optionally, to each application there may be assigned a priority such that the priority value 1 reflects the highest priority and the priority value 4 reflects the lowest priority for the particular example shown in FIG. 10. Further, the end user may define preferences on type of network for each specific application, e.g.; in the order GPRS, WLAN, GSM for the e-mail application, etc. (fig. 10, [0124]). The selection table may not only describe preferred bearer services for different types of applications, but also bearer capabilities, e.g., bandwidth, latency (fig. 13, [0131] to [0132]).

Second, applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., storing a list of bearers for a particular contact or a first contact, having identifier CI-ID, and indicating a list of bearers for the first contact,) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Third, the Examiner could not find "identifier C1-ID" illustrated in Fig. 1 as table 11d as the Applicant said. The Examiner only found "identier."

Fourth, First, Applicant used a particular words recited in the claim, e.g. "identifier", "the contact" and "association information". During patent examination, the pending claims must be given their broadest reasonable interpretation. In *re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 51 (CCPA 1969). The broadest reasonable interpretation of the

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claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). See MPEP 2111.

Applicant is advised to define the term “identifier” in order to overcome these prior arts and particularly point out whereof “a contact” is supported by the specification because the Applicant said that “a contact” must at least be an entity.